

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0742-AIR-E TCEQ ID: RN100218932 CASE NO.: 33462
RESPONDENT NAME: Chemtrade Refinery Services, Inc.

Page 1 of 4

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Chemtrade Refinery Services, 1400 Olin Road, Beaumont, Jefferson County</p> <p>TYPE OF OPERATION: Spent acid regeneration plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 4, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, (817) 588-5890, MC 149; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Frank Tobias, Plant Manager, Chemtrade Refinery Services, Inc., P.O. Box 30, Beaumont, Texas 77704. Mr. Joe A. Jayroe II, Director of Manufacturing, Chemtrade Refinery Services, Inc., P.O. Box 30, Beaumont, Texas 77704 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 3, 2006 and March 8, 2007</p> <p>Date of NOV/NOE Relating to this Case: January 8, 2007 and May 1, 2007 (NOE)</p> <p>Background Facts: These were routine investigations.</p> <p>AIR</p> <p>1) Failed to record the sulfur dioxide ("SO₂") emissions data as reported in the deviation reports for the periods covering January 28, 2006 to July 29, 2006 and July 28, 2006 to January 29, 2007. Specifically, on June 3, 2006, August 2, 2006, and January 19-20, 2007, the Respondent failed to record the emission data from the sample line to the SO₂ continuous monitoring system ("CEMS") [Permit No. 3149, Special Condition No. 7, Federal Operating Permit ("FOP") No. O-01409, Special Condition No. 7A, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to calculate sulfur SO₂ emissions as reported in the deviation reports for the periods covering January 28, 2006 to July 29, 2006 and July 28, 2006 to January 29, 2007. Specifically, on twenty occasions, the Respondent failed to calculate converter, scrubber, and overall SO₂ efficiencies [Permit No. 3149, Special Condition No. 1, FOP No. O-01409, Special Condition No. 7A, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to zero and span the SO₂ CEMS as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007. Specifically, the Respondent</p>	<p>Total Assessed: \$34,119</p> <p>Total Deferred: \$6,823 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$27,296</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Completed operations personnel training on October 31, 2006. The training was conducted in efforts to prevent future emissions events due to the same cause as the September 18, 2006 emissions event and included a review of operating procedures for maintaining sulfuric acid target operating concentrations for the acid drum;</p> <p>b. Implemented procedures to ensure proper daily zero and span on the SO₂ CEMS scrubber stack [EPN 1] on November 29, 2006;</p> <p>c. Installed a new opacity instrument motor on January 3, 2007;</p> <p>d. Submitted initial and final reports for Incident Nos. 87223 and 87225 on February 15, 2007;</p> <p>e. Began blowing out the sample line to the SO₂ CEMS during daily calibrations on February 28, 2007;</p> <p>f. Began conducting air modeling and ambient sampling through a third-party consulting firm to investigate SO₂ emissions at the Plant and to help determine the source or sources of ground-level fence line concentrations of SO₂, as notified by the Respondent on March 20, 2007;</p> <p>g. Installed an alarm to the computer that alerts the operators to complete the Reich test that calculates the converter, scrubber, and overall SO₂ efficiencies on April 16, 2007;</p> <p>h. Replaced the "B" converter bed catalyst during the March 28, 2006 shutdown and re-inspected the converter during the 2007 shutdown to ensure that it was performing properly; and</p>

<p>failed to conduct the daily zero and span on the SO₂ CEMS scrubber stack [emission point number ("EPN") 1] on November 24, 2006 [Permit No. 3149, Special Condition No. 7B, FOP No. O-01409, Special Condition No. 7A, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failed to continuously operate an opacity monitor as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007. Specifically, the opacity instrument motor failed on January 1, 2007 [30 TEX. ADMIN. CODE § 111.127(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failed to submit initial reports for Incident Nos. 87223 and 87225 in a timely manner as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007 [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failed to submit final reports for Incident Nos. 87223 and 87225 in a timely manner as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007 [30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failed to maintain an emission rate below the maximum allowable emission limit of 400 pounds per 24 hour for SO₂ from the scrubber stack EPN 1. Specifically, 14,440 lbs of SO₂ were emitted on February 8-9, 2006 in a 28 hour period and 9,945 lbs of SO₂ were emitted on February 12-13, 2006 in a 15 hour period. [Permit No. 3149, Special Condition No. 1, FOP No. O-01409, Special Condition No. 7A, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8) Failed to maintain SO₂ net ground level concentrations below 0.32 parts per million by volume ("ppmv"). Specifically, on July 10, 2006, from 1:10 am to 3:30 am, the TCEQ measured a 30-minute 0.967 ppmv net average SO₂ level and a maximum SO₂ peak concentration of 3.00 ppmv at 2:55 am at the fence line of the Plant [30 TEX. ADMIN. CODE § 112.3(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>9) Failed to maintain authorized emissions from the final vent stack EPN 1. Specifically, during a September 19, 2006</p>	<p>i. Developed and implemented recordkeeping/reporting practices and procedures to ensure that all emissions events are properly reported on June 10, 2007.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 180 days after the effective date of this Agreed Order, implement measures designed to prevent SO₂ net ground level exceedances similar to that which occurred on July 10, 2006; and</p> <p>b. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a.</p>
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emissions event, the 1,000 ppmv SO₂ concentration limit for EPN 1 was exceeded for three hours and 20 minutes. [Permit No. 3149, Special Condition No. 8, FOP No. O-01409, Special Condition No. 7A, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Additional ID No(s): JE0073N



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

TCEQ

DATES	Assigned	7-May-2007	Screening	8-May-2007	EPA Due	15-Feb-2008
	PCW	2-Aug-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Chemtrade Refinery Services, Inc.
Reg. Ent. Ref. No.	RN100218932
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	33462	No. of Violations	8	
Docket No.	2007-0742-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Jorge Ibarra, P.E.	
Multi-Media		EC's Team	EnforcementTeam 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$22,300**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **53%** Enhancement **Subtotals 2, 3, & 7** **\$11,819**

Notes
The Respondent was issued four NOV's with the same or similar type of violations, one NOV without the same or similar type of violations, a 1660 Agreed Order, self-reported six months of effluent violations, and submitted one Notice of Intent.

Culpability **No** **0%** Enhancement **Subtotal 4** **\$0**

Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0%** Reduction **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes
The Respondent does not meet the good faith criteria.

Subtotal 6 **\$0**

Total EB Amounts	\$2,580
Approx. Cost of Compliance	\$57,600

0% Enhancement*
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$34,119**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$34,119**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$34,119**

DEFERRAL **20%** Reduction **Adjustment** **-\$6,823**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$27,296**

Screening Date 8-May-2007

Docket No. 2007-0742-AIR-E

PCW

Respondent Chemtrade Refinery Services, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33462

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100218932

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 53%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent was issued four NOVs with the same or similar type of violations, one NOV without the same or similar type of violations, a 1660 Agreed Order, self-reported six months of effluent violations, and submitted one Notice of Intent.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 53%

Screening Date 8-May-2007

Docket No. 2007-0742-AIR-E

PCW

Respondent Chemtrade Refinery Services, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33462

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100218932

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s)

Permit No. 3149, Special Condition No. 7, Federal Operating Permit ("FOP") No. O-01409, Special Condition No. 7A, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to record the sulfur dioxide ("SO2") emissions data as reported in the deviation reports for the periods covering January 28, 2006 to July 29, 2006 and July 28, 2006 to January 29, 2007. Specifically, on June 3, 2006, August 2, 2006, and January 19-20, 2007, the Respondent failed to record the emission data from the sample line to the SO2 continuous emissions monitoring system ("CEMS").

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 4

4 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$400

Four single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$612

This violation Final Assessed Penalty (adjusted for limits) \$612

Economic Benefit Worksheet

Respondent: Chemtrade Refinery Services, Inc.
Case ID No.: 33462
Reg. Ent. Reference No.: RN100218932
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	3-Jun-2006	28-Feb-2007	0.7	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to fix sample line and properly record the SO2 emissions data. Date Required is the first date of non-compliance, Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$7

Screening Date 8-May-2007

Docket No. 2007-0742-AIR-E

PCW

Respondent Chemtrade Refinery Services, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33462

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100218932

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s)

Permit No. 3149, Special Condition No. 1, FOP No. O-01409, Special Condition No. 7A, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to calculate sulfur SO₂ emissions as reported in the deviation reports for the periods covering January 28, 2006 to July 29, 2006 and July 28, 2006 to January 29, 2007. Specifically, on twenty occasions, the Respondent failed to calculate the SO₂ emissions and efficiencies for the converter scrubber and overall SO₂.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 20

20 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,000

2

Twenty single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$3,060

This violation Final Assessed Penalty (adjusted for limits) \$3,060

Economic Benefit Worksheet

Respondent Chemtrade Refinery Services, Inc.
Case ID No. 33462
Reg. Ent. Reference No. RN100218932
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$500	8-Mar-2007	16-Apr-2007	0.1	\$0	\$4	\$4
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install an alarm to the computer to alert the operators to calculate the required SO2 emissions data. Date Required is the investigation date, Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$4

Screening Date 8-May-2007

Docket No. 2007-0742-AIR-E

PCW

Respondent Chemtrade Refinery Services, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33462

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100218932

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Rule Cite(s)

Permit No. 3149, Special Condition No. 7B, FOP No. O-01409, Special Condition No. 7A, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to zero and span the SO2 CEMS as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007. Specifically, the Respondent failed to conduct the daily zero and span on the SO2 CEMS scrubber stack [emission point number ("EPN") 1] on November 24, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to check the zero and span on a daily basis on each CEMS could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment \$9,000

\$1,000

Violation Events

		1	1	Number of violation days
mark only one with an x	daily			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,530

This violation Final Assessed Penalty (adjusted for limits) \$1,530

Economic Benefit Worksheet

Respondent: Chemtrade Refinery Services, Inc.
Case ID No. 33462
Reg. Ent. Reference No. RN100218932
Media: Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	24-Nov-2006	29-Nov-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement procedures to ensure proper daily zero and span on the CEMS. Date Required is the first date of non-compliance, Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$0

Screening Date 8-May-2007

Docket No. 2007-0742-AIR-E

PCW

Respondent Chemtrade Refinery Services, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33462

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100218932

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 111.127(c) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to continuously operate an opacity monitor as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007. Specifically, the opacity instrument motor failed on January 1, 2007 and was repaired on January 3, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to conduct opacity monitoring could result in the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment \$9,000

\$1,000

Violation Events

	1	3	Number of violation days
mark only one with an x	daily		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,530

This violation Final Assessed Penalty (adjusted for limits) \$1,530

Economic Benefit Worksheet

Respondent Chemtrade Refinery Services, Inc.
Case ID No. 33462
Reg. Ent. Reference No. RN100218932
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$500	1-Jan-2007	3-Jan-2007	0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a new opacity instrument motor. Date Required is the first date of non-compliance, Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$0

Screening Date 8-May-2007

Docket No. 2007-0742-AIR-E

PCW

Respondent Chemtrade Refinery Services, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33462

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100218932

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B) and (c) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit initial and final reports for Incident Nos. 87223 and 87225 which occurred on February 8-9, 2006 and February 12-13, 2006 in a timely manner as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 4

2 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$400

Two single events are recommended (two events per incident).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$612

This violation Final Assessed Penalty (adjusted for limits) \$612

Economic Benefit Worksheet

Respondent: Chemtrade Refinery Services, Inc.
Case ID No. 33462
Reg. Ent. Reference No. RN100218932
Media: Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	9-Feb-2006	15-Feb-2007	1.0	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to timely submit the required initial/final reports. Date Required is the date the first report was due, Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$10

Screening Date 8-May-2007

Docket No. 2007-0742-AIR-E

PCW

Respondent Chemtrade Refinery Services, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33462

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100218932

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 6

Rule Cite(s)

Permit No. 3149, Special Condition No. 1, FOP No. O-01409, Special Condition No. 7A, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain an emission rate below the maximum allowable emission limit of 400 pounds per 24 hour for SO₂ from the scrubber stack ("EPN 1"). Specifically, 14,440 lbs of SO₂ were emitted on February 8-9, 2006 in a 28 hour period and 9,945 lbs of SO₂ were emitted on February 12-13, 2006 in a 15 hour period. Since these emissions were reported a year later, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria ozone nonattainment area has been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 2

3 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$10,000

Two single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$322

Violation Final Penalty Total \$15,300

This violation Final Assessed Penalty (adjusted for limits) \$15,300

Economic Benefit Worksheet

Respondent Chemtrade Refinery Services, Inc.
Case ID No. 33462
Reg. Ent. Reference No. RN100218932
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$35,000	8-Feb-2006	28-Mar-2006	0.1	\$15	\$307	\$322
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to replace the "B" converter bed catalyst to properly abate the unauthorized emissions. Date Required is the date of first emission event. Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$35,000

TOTAL

\$322

Screening Date 8-May-2007

Docket No. 2007-0742-AIR-E

PCW

Respondent Chemtrade Refinery Services, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33462

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100218932

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 112.3(c) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain SO2 net ground level concentrations below 0.32 parts per million by volume ("ppmv"). On July 10, 2006, from 1:10 am to 3:30 am, the TCEQ measured a 30 minute 0.967 ppmv net average SO2 level and a maximum SO2 peak concentration of 3.00 ppmv at 2:55 am at the fenceline of the Plant.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or the environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,230

Violation Final Penalty Total \$7,650

This violation Final Assessed Penalty (adjusted for limits) \$7,650

Economic Benefit Worksheet

Respondent Chemtrade Refinery Services, Inc.
Case ID No. 33462
Reg. Ent. Reference No. RN100218932
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$20,000	10-Jul-2006	1-Oct-2008	2.2	\$2,230	n/a	\$2,230

Notes for DELAYED costs

Estimated cost to conduct air modeling and air sampling to determining the source of SO2 ground-level fence-line concentration exceedances and to implement measures designed to prevent SO2 fence-line concentration exceedances; the Date Required is the date exceedances were documented by the TCEQ; the Final Date is the estimated date that actions to prevent exceedance of ground-level concentration limits would be complete.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$2,230

Screening Date 8-May-2007

Docket No. 2007-0742-AIR-E

PCW

Respondent Chemtrade Refinery Services, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33462

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100218932

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

8

Rule Cite(s)

Permit No. 3149, Special Condition No. 8, FOP No. O-01409, Special Condition No. 7A, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain authorized emissions on September 18, 2006. Specifically, during a September 18, 2006 emissions event, the 1,000 ppmv SO₂ concentration limit for Emissions Point Number 1 was exceeded for three hours and 20 minutes. Since the emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$3,825

This violation Final Assessed Penalty (adjusted for limits) \$3,825

Economic Benefit Worksheet

Respondent: Chemtrade Refinery Services, Inc.
Case ID No. 33462
Reg. Ent. Reference No. RN100218932
Media: Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	18-Sep-2006	31-Oct-2006	0.1	\$6	n/a	\$6
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs of training operations personnel on maintaining the sulfuric acid limits for the acid drum. Date required based on the date of the emissions event. Final date is the date training was completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$6

Compliance History

Customer/Respondent/Owner-Operator: CN602999567 Chemtrade Refinery Services, Inc. Classification: AVERAGE Rating: 2.64

Regulated Entity: RN100218932 CHEMTRADE REFINERY SERVICES Classification: AVERAGE Site Rating: 2.64

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0073N
AIR OPERATING PERMITS	PERMIT	1409
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008097487
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30795
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50167
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50167
WASTEWATER	PERMIT	WQ0000647000
WASTEWATER	PERMIT	TPDES0006726
WASTEWATER	PERMIT	TX0006726
AIR NEW SOURCE PERMITS	PERMIT	3149
AIR NEW SOURCE PERMITS	PERMIT	6872
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0073N
AIR NEW SOURCE PERMITS	AFS NUM	4824500010
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30795

Location: 1400 OLIN RD, BEAUMONT, TX, 77705 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: May 25, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 25, 2002 to May 25, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

Site Compliance History Components

- Has the site been in existence and/or operation for the full five year compliance period? Yes
- Has there been a (known) change in ownership of the site during the compliance period? Yes
- If Yes, who is the current owner? Chemtrade Refinery Services, Inc.
- If Yes, who was/were the prior owner(s)? Arch Chemicals, Inc.
- When did the change(s) in ownership occur? 06/30/2003

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 07/30/2004

ADMINORDER 2004-0259-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to control sulfur dioxide emissions at Peak Sulfur, Inc. which resulted in a documented effect on human health.

Classification: Major

Citation: 30 TAC Chapter 112, SubChapter A 112.3(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain sulfur dioxide net ground level concentrations below 0.32 ppmv averaged over any 30-minute period.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/25/2002	(159851)
2	07/18/2002	(2652)
3	07/22/2002	(159854)
4	07/29/2002	(5588)
5	08/09/2002	(5589)
6	08/19/2002	(159857)
7	09/19/2002	(159860)
8	10/21/2002	(159863)
9	11/25/2002	(159866)
10	12/20/2002	(159869)
11	01/21/2003	(159872)
12	02/07/2003	(19230)
13	02/24/2003	(159838)
14	03/14/2003	(296093)
15	04/22/2003	(159845)
16	05/16/2003	(296095)
17	06/13/2003	(296096)
18	07/18/2003	(296097)
19	08/14/2003	(296098)
20	09/19/2003	(247771)
21	09/19/2003	(296099)
22	10/22/2003	(296100)
23	11/20/2003	(296101)
24	12/22/2003	(296102)
25	01/26/2004	(296103)
26	02/23/2004	(296092)
27	03/23/2004	(296094)
28	04/20/2004	(264089)
29	04/22/2004	(352424)
30	05/25/2004	(352425)
31	06/21/2004	(352426)
32	06/22/2004	(276496)
33	07/13/2004	(278997)
34	07/22/2004	(352427)
35	08/18/2004	(352428)
36	09/13/2004	(352429)
37	10/26/2004	(352430)
38	11/24/2004	(381975)
39	12/13/2004	(381976)
40	01/20/2005	(381977)
41	01/25/2005	(346563)
42	02/17/2005	(344416)
43	02/17/2005	(430042)
44	03/17/2005	(381974)
45	04/16/2005	(430043)
46	06/06/2005	(430044)
47	06/24/2005	(380140)
48	07/06/2005	(397887)
49	07/18/2005	(430045)
50	08/15/2005	(401456)
51	08/22/2005	(440953)
52	09/07/2005	(404953)
53	09/12/2005	(440954)
54	09/16/2005	(403815)
55	10/24/2005	(468631)
56	11/16/2005	(468632)
57	12/19/2005	(468633)
58	01/19/2006	(468634)
59	02/21/2006	(468628)
60	02/24/2006	(455730)
61	03/17/2006	(468629)
62	04/19/2006	(468630)
63	05/05/2006	(461660)
64	05/19/2006	(498338)

65	06/14/2006	(498339)
66	07/20/2006	(498340)
67	08/16/2006	(520353)
68	09/25/2006	(520354)
69	10/10/2006	(520355)
70	11/21/2006	(544686)
71	12/05/2006	(544687)
72	01/08/2007	(518481)
73	01/19/2007	(544688)
74	02/12/2007	(544685)
75	04/20/2007	(542441)
76	05/01/2007	(555822)
77	05/18/2007	(556834)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	09/30/2003	(296100)		
Self Report?	YES		Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	01/31/2004	(296092)		
Self Report?	YES		Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/23/2004	(276496)		
Self Report?	NO		Classificati	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	OP O-01409			
Description:	Failure to report a deviation in a timely manner.			
Date	07/07/2005	(397887)		
Self Report?	NO		Classificati	Minor
Rqmt Prov:	PERMIT M&RR 2			
Description:	Failure to keep a complete pH meter calibration log			
Self Report?	NO		Classificati	Minor
Rqmt Prov:	PERMIT M&RR 3.C			
Description:	Failure by the permittee to record the time of the sample refrigerator temperature check on the temperature log.			
Date	08/15/2005	(401456)		
Self Report?	NO		Classificati	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	OP 1409 PERMIT 3149			
Description:	Failure to calculate sulfur dioxide efficiency from the scrubber stack.			
Self Report?	NO		Classificati	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	OP 1409 PERMIT 3149			
Description:	Failure to maintain the oxygen concentration at 0.65 volume percent or greater.			
Self Report?	NO		Classificati	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	OP 1409 PERMIT 3149			
Description:	Failure to conduct Orsat analysis on a daily basis.			
Self Report?	NO		Classificati	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	OP 1409 PERMIT 3149			
Description:	Failure to conduct daily zero and span on the hydrocarbon CEMS.			
Date	10/31/2005	(468632)		

Self Report?	YES	Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2006 (468628)		
Self Report?	YES	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/10/2006 (461660)		
Self Report?	NO	Classificatio	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.127(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to conduct continuous opacity monitoring as reported in the Deviation Report for FOP O-01409 covering January 28, 2005 to July 29, 2005.		
Self Report?	NO	Classificatio	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 3149, Special Condition 1 OP O-01409, Special Condition 7		
Description:	Failure to calculate sulfur dioxide emissions from the scrubber stack as reported in the Deviation Reports for FOP O-01409 covering January 28, 2005 to July 29, 2005 and July 30, 2005 to January 29, 2006.		
Self Report?	NO	Classificatio	Moderate
Citation:	30 TAC Chapter 112, SubChapter A 112.3(c) 5C THC Chapter 382, SubChapter A 382.085(a)		
Description:	Failure to maintain sulfur dioxide net ground level concentrations below 0.32 ppmv averaged over any 30-minute period.		
Date:	12/31/2006 (544688)		
Self Report?	YES	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2007 (544685)		
Self Report?	YES	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/23/2007 (556834)		
Self Report?	NO	Classificatio	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.201(e) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01409, General Terms and Conditions OP O-01409, Special Condition 2F		
Description:	Failure to notify the regional office of a reportable excess opacity event. EIC B3, MOD(2)(B)		
Self Report?	NO	Classificatio	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 3149, Special Condition 2 OP O-01409, General Terms and Conditions OP O-01409, Special Condition 3A(i) OP O-01409, Special Condition 7A		
Description:	Failure to maintain opacity limits below applicable requirements. EIC B18 MOD(2)(D)		

F. Environmental audits.

Notice of Intent Date: 02/09/2007 (542637)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHEMTRADE REFINERY SERVICES,
INC.
RN100218932

§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0742-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chemtrade Refinery Services, Inc. ("Chemtrade") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Chemtrade appear before the Commission and together stipulate that:

1. Chemtrade owns and operates a spent acid regeneration plant at 1400 Olin Road in Beaumont, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Chemtrade agree that the Commission has jurisdiction to enter this Agreed Order, and that Chemtrade is subject to the Commission's jurisdiction.
4. Chemtrade received notice of the violations alleged in Section II ("Allegations") on or about January 13, 2007 and May 6, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Chemtrade of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty Four Thousand One Hundred Nineteen Dollars (\$34,119) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Chemtrade has paid Twenty Seven Thousand Two Hundred Ninety-Six Dollars (\$27,296) of the administrative penalty and Six Thousand Eight Hundred Twenty-Three Dollars

(\$6,823) is deferred contingent upon Chemtrade's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Chemtrade fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Chemtrade to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Chemtrade have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Chemtrade has implemented the following corrective measures at the Plant:
 - a. Completed operations personnel training on October 31, 2006. The training was conducted in efforts to prevent future emissions events due to the same cause as the September 18, 2006 emissions event and included a review of operating procedures for maintaining sulfuric acid target operating concentrations for the acid drum;
 - b. Implemented procedures to ensure proper daily zero and span on the sulfur dioxide ("SO₂") continuous emissions monitoring system ("CEMS") scrubber stack [emission point number ("EPN") 1] on November 29, 2006;
 - c. Installed a new opacity instrument motor on January 3, 2007;
 - d. Submitted initial and final reports for Incident Nos. 87223 and 87225 on February 15, 2007;
 - e. Began blowing out the sample line to the SO₂ CEMS during daily calibrations on February 28, 2007;
 - f. Began conducting air modeling and ambient sampling through a third-party consulting firm to investigate SO₂ emissions at the Plant and to help determine the source or sources of ground-level fence-line concentrations of SO₂, as notified by Chemtrade on March 20, 2007;
 - g. Installed an alarm to the computer that alerts the operators to complete the Reich test that calculates the converter, scrubber, and overall SO₂ efficiencies on April 16, 2007;
 - h. Replaced the "B" converter bed catalyst during the March 28, 2006 shutdown and re-inspected the converter during the 2007 shutdown to ensure that it was performing properly; and
 - i. Developed and implemented recordkeeping/reporting practices and procedures to ensure that all emissions events are properly reported on June 10, 2007.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Chemtrade has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Chemtrade is alleged to have:

1. Failed to record the SO₂ emissions data as reported in the deviation reports for the periods covering January 28, 2006 to July 29, 2006 and July 28, 2006 to January 29, 2007, in violation of Permit No. 3149, Special Condition No. 7, Federal Operating Permit ("FOP") No. O-01409, Special Condition No. 7A, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 8, 2007. Specifically, on June 3, 2006, August 2, 2006, and January 19-20, 2007, Chemtrade failed to record the emission data from the sample line to the SO₂ CEMS.
2. Failed to calculate sulfur SO₂ emissions as reported in the deviation reports for the periods covering January 28, 2006 to July 29, 2006 and July 28, 2006 to January 29, 2007, in violation of Permit No. 3149, Special Condition No. 1, FOP No. O-01409, Special Condition No. 7A, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 8, 2007. Specifically, on twenty occasions, Chemtrade failed to calculate converter, scrubber, and overall SO₂ efficiencies.
3. Failed to zero and span the SO₂ CEMS as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007, in violation of Permit No. 3149, Special Condition No. 7B, FOP No. O-01409, Special Condition No. 7A, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on March 8, 2007. Specifically, Chemtrade failed to conduct the daily zero and span on the SO₂ CEMS scrubber stack EPN 1 on November 24, 2006.
4. Failed to continuously operate an opacity monitor as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007, in violation of 30 TEX. ADMIN. CODE § 111.127(c) and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on March 8, 2007. Specifically, the opacity instrument motor failed on January 1, 2007.
5. Failed to submit initial reports for Incident Nos. 87223 and 87225 in a timely manner as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007, in violation of

30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 8, 2007.

6. Failed to submit final reports for Incident Nos. 87223 and 87225 in a timely manner as reported in the deviation report for the period covering July 28, 2006 to January 29, 2007, in violation of 30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 8, 2007.
7. Failed to maintain an emission rate below the maximum allowable emission limit of 400 pounds per 24 hour for SO₂ from the scrubber stack EPN 1, in violation of Permit No. 3149, Special Condition No. 1, FOP No. O-01409, Special Condition No. 7A, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 8, 2007. Specifically, 14,440 lbs of SO₂ were emitted on February 8-9, 2006 in a 28 hour period and 9,945 lbs of SO₂ were emitted on February 12-13, 2006 in a 15 hour period.
8. Failed to maintain SO₂ net ground level concentrations below 0.32 parts per million by volume ("ppmv"), in violation of 30 TEX. ADMIN. CODE § 112.3(c) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 3, 2006. On July 10, 2006, from 1:10 am to 3:30 am, the TCEQ measured a 30-minute 0.967 ppmv net average SO₂ level and a maximum SO₂ peak concentration of 3.00 ppmv at 2:55 am at the fenceline of the Plant.
9. Failed to maintain authorized emissions from the final vent stack EPN 1, in violation of Permit No. 3149, Special Condition No. 8, FOP No. O-01409, Special Condition No. 7A, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 3, 2006. Specifically, during a September 18, 2006 emissions event, the 1,000 ppmv SO₂ concentration limit for EPN 1 was exceeded for three hours and 20 minutes.

III. DENIALS

Chemtrade generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Chemtrade pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Chemtrade's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chemtrade Refinery Services, Inc., Docket No. 2007-0742-AIR-E" to:

Financial Administration Division, Revenues Section

Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Chemtrade shall undertake the following technical requirements:
- a. Within 180 days after the effective date of this Agreed Order, implement measures designed to prevent SO₂ net ground level exceedances similar to that which occurred on July 10, 2006; and
 - b. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a. as described below:

The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon Chemtrade. Chemtrade is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Chemtrade fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Chemtrade's failure to comply is not a violation of this Agreed Order. Chemtrade

shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Chemtrade shall notify the Executive Director within seven days after Chemtrade becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Chemtrade shall be made in writing to the Executive Director. Extensions are not effective until Chemtrade receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Chemtrade in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Chemtrade, or three days after the date on which the Commission mails notice of the Order to Chemtrade, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Chemtrade Refinery Services, Inc.
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sreen

For the Executive Director

2/7/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Joe A. Jayroe Jr.
Signature

1/29/2008
Date

Joe A. Jayroe Jr.
Name (Printed or typed)
Authorized Representative of
Chemtrade Refinery Services, Inc.

Director of Mfg.
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

